are declared. That will help them in the attempt of charitably inclined people and if any provision is required which will complete the purpose of this Bill, it is a matter to be done in the select committee. I, therefore, commend this Bill to the acceptance of the House.

Motion put and lost; 17 voted for and 19 against

The Cochin Tenancy Act (Amendment) Bill No. 1

Mr. V. J. Mathai *(Planters):* Sir, I rise to move to introduce the Cochin Tenancy Act (Amendment) Bill No. 1. The object of my Bill is to lighten the burden of the payments on renewal. The House knows very well that under section 26, every tenant is bound to take a renewal of his document at the end of every twelve years, I will read sections 26 to 28.

Section 26 .—"Subject to the other provisions of this Act, it shall be obligatory on the part of the landlord to give and of the *kanam* tenant to accept a renewal of the tenancy at the expiry of 12 years from the date of the last demise and thereafter at the end of every succeeding period of 12 years".

Section 27 .—"The following amounts shall be payable by the *kanam* tenant at the time of renewal.—

(*a*) all arrears of *michavaram* and *puravaka* dues for a period not exceeding 12 years;

(*b*) all arrears, government or local taxes and other dues which he was bound to pay but which were paid by the landlord irrespective of the time when they were paid".

And section 28 is :

"In addition to the above amounts the *kanam* tenant shall pay a renewal fees of 27½ per cent of the *kanam* amount and 15 per cent of the *puram kadam*, if any".

Now, it is clear to the House that under section 26, a *kanam* tenant is bound to take at the end of every 12 years a renewal. Then he is to pay all the arrears of *michavaram* and *puravaka* dues, etc., besides the cost of document and over and above all that, 27½ per cent of the *kanam* amount and 15 per cent of the *puram kadam*, if any. We find that at the end of every 12 years, a very heavy amount will have to be paid by the *kanam* tenant. It is now widely known that the tenants are groaning under the incidence of renewal. Hundreds of notices have been issued by landlords at least so far as the villages of Amballur, Edakkatuvayal, Mulanthuruthi, etc., are

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concerned. And the tenants are finding it unable to meet such a heavy burden at the end of every 12 years. Some who can afford to borrow, borrow mortgaging their properties and then pay this amount. This kind of borrowing will really make them lose their lands. Therefore, my object is, without prejudicing the rights of renewal to try to lighten the burden of renewal fee by spreading it over 12 years. This payment in easy instalments has been recognised under the Agriculturists Relief Bill and I pray that the same policy may be adopted in this particular case also. Here, instead of paying a lump sum after 12 years, the tenant is to pay it in advance in easy instalments. I hope therefore that this House will sympathetically consider this aspect of the question and pass this Bill.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I second this. This is a very simple matter. The renewal fee instead of being paid in a lump after a period of 12 years, is made payable by easy instalments in advance. Nobody is adversely affected by this, neither the landlord nor the tenant. Apart from this, I would suggest that it is high time that we should abolish these *kanam* tenures by legislation. I am totally against this *kanam*, *anubhogam*, etc., because these antiquated tenures are not suitable to the modern times. There should be only one tenure—*i.e.*, *verumpattam* tenure. The *kanam* rights of *jenmies* should be acquired by Government and should be given to the *kanam* tenants. Therefore, though that is my idea, I support this motion now.

* മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരിപ്പാട് : സർ, ഈ ബില്ലിനെ ഞാൻ എതിർക്കുകയല്ല ചെയ്യുന്നത്. കൊടുക്കാനുള്ളത് കാലെ കൊടുക്കാമെന്നു പറഞ്ഞാൽ അതിനെ എതിർക്കുന്നതു മര്യാദകേടല്ലേ ? പക്ഷെ ഇതിനെ നാളെ എതിർക്കേണ്ടിവരും. ഇന്നു ഫ്രൂ തവണകളായി കൊടുത്താൽ മതിയെന്നു ഉറപ്പിച്ചു വെച്ചാൽ നാളെ അതു കൊടുക്കണ്ട എന്നു പറയുകയായി. അങ്ങിനെയുള്ള ഒരു ബില്ലാണിതു്. ഒരു വലിയ സംഖ്യ പൊളിച്ചെഴുത്തവകാശമുള്ളതിനാണെങ്കിൽ ഇങ്ങിനെ ചെയ്താൽ ആക്ഷം വിരോധമില്ല. പിന്നെ ഒരു lump sum ഉണ്ടാക്കുവാനുള്ള ബുദ്ധിമുട്ടു് കുടിയാനുണ്ടെങ്കിൽ അതു ജന്മിക്കുമുണ്ടു്. അതിൽ എല്ലാവക്കും ബുദ്ധിമുട്ടുണ്ടു്. ജന്മിയും കുടിയാനും തമ്മിൽ യോജിക്കയില്ല എന്നു തീച്ചയായി. ജന്മിയുടെ അധികാരം കുടിയാനു കൊടുത്താൽ ഈ കുഴപ്പമൊക്കെ തീരും. കൊടുക്കുക എന്നുവെച്ചാൽ എല്ലാക്ഷം വലിയ വിരോധമാണു്. ജന്മിക്കു കൊടുക്കുവാൻ കുടിയാനു വിരോധമാണു്. കുടിയാനു കൊടുക്കുവാൻ ക്രൂലിക്കാരനു വിരോധമാണു്. കൊടുക്കുന്നതിൽ ഗവമ്മെണ്ടിനുമുണ്ടു് വിരോധം. കൊടുക്കുക എന്നുള്ള ഭാഗം ആക്ഷം ഇഷ്ടമല്ല. എന്നാൽ മേടിക്കുവാൻ സകല ആളുകളും തയ്യാറാണു്. (ചിരി). അതുകൊണ്ടു് ഇങ്ങിനെ ഇടക്കിടക്കു ഒരു നിയമമുണ്ടാക്കേണ്ട ആവശ്യമില്ല. ഇതു ഒരു ഡയബിറിക്കു് ഓപ്പറേഷൻപോലെയാണു്. ഇന്നു കുറേ. ശ്ശ കൊടുക്കുക എന്നു വെക്കും നാളെയായാൽ പറയും ഒട്ടും കൊടുക്കണ്ട എന്നു്

* Speech not corrected by the hon'ble member.

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വളരെ പഞ്ചാരയായിട്ടാണ് ഇതു് പറയുന്നതു്. ഇങ്ങിനത്തെ പഞ്ചാര ഞങ്ങൾക്ക വേണ്ട. എനിക്കു എങ്ങിനെയായാലും തരക്കേടില്ല. ഇതു പാസായാൽ എനിക്കു ലാഭമേയുള്ളു.

ജന്മികളിൽ വെച്ചു ഏറ്റവും വലിയ ജന്മി കൊച്ചി ഗവൺമെണ്ടാണു്. കുറച്ചു നമ്പൂതിരിമാരൊ കുറച്ചു നായന്മാരൊ അല്ല വലിയ ജന്മികൾ. അവക്കു ഇതൊക്കെ പിരിക്കുവാനുള്ള അധികാരമുണ്ടു്. ഗവൺമെണ്ടിനെ ബാധിക്കുന്ന ജന്മികൾക്കും ഇതു ബാധകമാകുമെങ്കിൽ ഈ ബിൽ ഇവിടെ പാസാകുകയില്ല. അഗ്രിക്കൾച്ചറൽ ബിൽ ഇവിടെ കൊണ്ടുവന്നപ്പോൾ ഗവൺമെണ്ടു ഭരിക്കുന്ന യാതൊരു സ്ഥാപനങ്ങൾക്കും അതു വേണ്ട എന്നു പറഞ്ഞു; ബാക്കിയുള്ളവക്കു ഇതു ബാധകമാകയുള്ളു. മിസ്റ്റർ മത്തായിക്കു ഒരു പിഴ പറ്റി. അദ്ദേഹം ഗവൺമെണ്ടിന്റെ ഭരണത്തിലിരിക്കുന്ന ദേവസ്വവും എസ്റ്റേറ്റു മുതലായതും ഇതിൽനിന്നും ഒഴിവാക്കിയിരുന്നെങ്കിൽ ഈ ബിൽ ഇവിടെ പാസാകുമായിരുന്നു. അങ്ങിനെയായിരുന്നെങ്കിൽ ഞങ്ങൾ സംസാരിക്കതന്നെയില്ലായിരുന്നു. ആയിരം കൃപാ പൊളിച്ചെഴുത്തവകാശം കൊടുക്കാനുള്ളതിന്നാണു് ഇതു് കൊണ്ടുവന്നിരുന്നതെങ്കിൽ വേണ്ടില്ലായിരുന്നു. പതിനൊന്നു പണം കാണം കൊടുക്കാനുള്ളതു് നാലു ഗഡുവാക്കിയാൽ ൨$\frac{3}{4}$ പണമാണു വരുക. അപ്പോൾ എത്ര അണയാകും ഒരു കൊല്ലത്തിൽ? അതിനു അരപ്പണം പലിശയൊ കാൽപ്പണം പലിശയൊ കൂട്ടിയാലും അധികം വരുകയില്ല.

അതുകൊണ്ടു ഈ ബിൽ സക്കുലേഷനയച്ചു പൊതുജനാഭിപ്രായം അറിഞ്ഞതിനു ശേഷം ഇതിനെപ്പറ്റി ആലോചിച്ചാൽ മതിയെന്നാണു് എന്റെ അഭിപ്രായം.

Mr. K. Achyuta Menon *(Secretary to Government):* Sir, Government have to oppose this Bill. There are two things in this seemingly innocent piece of legislation. One is a cut involved in asking the landlord to take a payment, which he is entitled to at the present time to receive in lump, in equated instalments. The renewal fee as the very term implies is a fee to be paid for the renewal and on the renewal; but assuming that the renewal fee is fair, then I ask, what is the point in asking a person who is entitled to receive a sum at the end of 12 years in lump, to take in equated instalments? If it is a question that the renewal fee fixed now is unfair, then we can understand. That it is unfair has not been suggested by the mover himself. He was not bold enough to urge that point. He never said, cut down the renewal fee because this is unfair. Now, by this piece of legislation, he takes it for granted that the renewal fee is fair. He says that this renewal fee must be made payable by the tenant in 12 equated instalments. The land-lord is asked to receive the renewal fee in advance in equated instalments. That is one thing. The expropriation does not stop there. The landlord loses all the interest to which he would be entitled had the renewal fee been paid in lump. That is number two. He is further asked for reasons which we do not know that he should give a rebate of interest to the tenant for the amount that he receives in

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advance. I submit this is a double cut. And it is quite unwarranted. I think the proper course would be to cut down the renewal fee.

Mr. C. R. Iyyunni *(Trichur-South):* On a point of information, may I know, what exactly is the principle underlying the receipt of taxes in ever so many instalments? You collect it in three, four, five or even six instalments.

Mr. K. Achyuta Menon *(Secretary to Government):* The hon'ble member is approximating the position of landlord to the position of Government which can stand the strain of equated payments. Government is expected even to forego a little amount on behalf of its subjects. That is not the case with a land-lord who has let his property to a tenant on the distinct understanding, when there was no legislation, that he will have to be paid something, whatever it is. A question was asked by Mr. Iyyunni, as to whether Government are not allowing equated payment of taxes. What is the equated payment of taxes? It is spread out in instalments to fit in with the harvesting periods of the year and nothing else.

Mr. C. R. Iyyunni *(Trichur-South):* He might have got crops available at particular times, say, in Kanni, Makaram or Meenam. Why not the Government ask the tenant to pay it up at those times?

Mr. K. Achutya Menon *(Secretary to Government):* That is a concession shown by Government. The landlord has given his property to a tenant on the condition which prevailed at that time that if he wants a renewal he will have to pay a renewal fee before he takes the renewal. And this renewal has to be made every 12 years. Now this Bill says that he must receive this renewal fee in advance in equal instalments, and the law does not stop there. There is a further cut in the interest. He has to make a rebate of interest. Even the Government is not compelled to do it. If an instalment due to the Government is not paid, Government is paid interest.

In this connection, one essential point is forgotten, that by the Settlement Proclamation, *Pandaravaka Verumpattomdars* have become owners of property. A *kanam* tenant is a mortgagee. He has advanced money upon another man's land and gets interest. He receives the produce out of that land. He takes the interest first, keeps very often the *michavaram* in arrears and when it comes to the next period of twelve years, if the land-lord asks the tenant to give back the property, he says, I will not allow you to give me back my money, there is already a legislation; you have to give me the property, for that power of eviction was taken away. But the law

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says that he must pay the renewal fee, and it fixes a rate also. And having fixed the rate, when he comes for the renewal fees, are we justified in asking the landlord not to receive it in a lump sum. This is adding insult to injury. Then again, for the payment made by the tenant in advance, he is to be given a rebate of interest. Then there is also the difficulty on the part of the landlord in realising the amount in equated instalments, which will come to a very small amount. There is absolutely no point in supporting such a piece of legislation. It is only a round-about way of cutting down the existing renewal fee. This is hardly the method of doing it.

Look at the other difficulty. Suppose, the tenant does not pay the instalment. Then there is the possibility of 12 suits. If this renewal fee is directed to be paid in 12 equated instalments and if the tenant does not pay the same, the landlord will be compelled to file suits against him twelve times. That is another difficulty.

Mr. A. L. Antony *(Irinjalakkuda):* He could wait for 12 years and then sue.

Mr. K. Achyuta Menon *(Secretary to Government):* He has to suffer all these things. Therefore, this is not a piece of legislation which is acceptable to the Government.

Mr. Puthur Achyuta Menon *(Kattur):* The Hon'ble Secretary to Government was stating that a man after having renewed his *kanam* demise must wait for 12 years to get the amount. That is not the position mentioned in the Bill.

Mr. K. Achyuta Menon *(Secretary to Government):* I said he will have to sue 12 times.

Mr. Puthur Achyuta Menon *(Kattur):* Even before the renewal he is realising the amount. The renewal fees payable on the 1st Chingam 1129 is received by the landlord from the end of Karkadagam 1117.

Mr. K. Achyuta Menon *(Secretary to Government):* You are mistaken.

Mr. Puthur Achyuta Menon *(Kattur):* I am not mistaken. The renewal fee that is due in 1129 he begins to receive from 1117 onwards. There is an illustration given in the Bill itself.

Mr. K. Achyuta Menon *(Secretary to Government):* Please read it.

Mr. V. J. Mathai *(Planters):* I have given the illustrations also. They are.—"(1) A *kanam* document was renewed on the 1st Chingam 1110. Renewal fees payable on the 1st Chingam 1122 shall be paid in six annual instalments from the end of Karkadagam 1116.

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(2) A *kanam* document is renewed on 1st Chingam 1117. Renewal fees payable on 1st Chingam 1129 shall be payable in 12 equal annual instalments from the end of Karkadagam 1117".

Mr. K. Achyuta Menon *(Secretary to Government):* The only fallacy is that renewal must have been completed in 1117.

Mr. V. J. Mathai *(Planters):* The whole difficulty is that you are not a jenmi.

Mr. K. Achyuta Menon *(Secretary to Government):* The whole difficulty is I am neither a landlord nor a tenant, so that, I can have a detached view.

What is meant by a renewal fee? It is not a document fee; it is a renewal fee. The renewal assumes that one period of 12 years has elapsed. Otherwise, it does not become a renewal. If I execute a document in your favour for a period of 12 years, and if you want a renewal, it becomes due only after 12 years.

Mr. V. J. Mathai *(Planters):* An identical legislation has been passed in Travancore. Government have done exactly the same with regard to *pandaravaka* lands.

The House rose for the day at 5 p.m.

C. J. MATHEW
Secretary to the Council

APPENDIX

(Please see answer to Question No. 349)

List of works recommended by the Cochin Kanayannur Group of the Irrigation Advisory Board

1. Scheme for preventing the ingress of salt water into the accretion lands of Narakkal.
2. Opening a canal through Trippunittura Town.
3. Putting up a chira in the Karuvannur river above Manjankuzhi chira.
4. Pillathodu Reservoir scheme.
5. Irrigation facilities for Chowwara and Vellarapilli villages.
6. Improvements to Kuzhur chira.
7. Manjankuzhi scheme.
8. Irrigation facilities for Arattupuzha village.
9. Opening a canal from Kottenkottuvalavu chira to Vellanipadam.

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